

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Alveto Rivera,

Civil No. 10-3954 (RHK/FLN)

Petitioner,

**ORDER**

v.

John King,

Respondent.

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Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated August 11, 2011, and after conducting a de novo review of the Report and Recommendation and Petitioner's Objections thereto, and upon all the files, records, and proceedings herein, **IT IS ORDERED** that:

1. Petitioner's Objections (Doc. No. 14) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 13) is **ADOPTED**;
3. Petitioner's Petition for Writ of Habeas Corpus For Person in State Custody (Doc. No. 1) is **DENIED**;
4. Pursuant to 28 U.S.C. §2253(c), a Certificate of Appealability will not be issued because Petitioner has failed to make a substantial showing of the denial of any constitutional rights; and

5. This action is **DISMISSED WITH PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: September 23, 2011

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge